

REMARKS

Applicant appreciates the Examiner's thorough consideration of the present application. Claim 3 was previously cancelled. Claims 1, 2, and 4-26 are currently pending in the instant application. No claims are amended. Claims 1, 12, 15, 16, 19, and 23 are independent. Reconsideration of the present application is earnestly solicited.

Allowable Subject Matter

Applicant appreciates the Examiner's indication of allowable subject matter. Specifically, the Examiner has indicated that claims 2, 14-16, and 19-26 have been allowed. In addition, the subject matter of claim 6 has also been identified as containing allowable subject matter if rewritten in independent format.

Amendments to the Specification

The specification is amended merely to correct a typographical error.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 4, 5, 7-10, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi (U.S. Patent No. 5,940,824) in view of Funamoto et al. (U.S. 5,911,006). Claims 11, 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi (U.S. Patent No. 5,940,824) in view of Funamoto et al. and Otto (U.S. 6,244,514). These rejections are respectfully traversed.

In response, the Funamoto et al. reference is removed as prior art under 35 U.S.C. 103/102(e) since the present application (Application No. 09/448,301) and U.S. Patent No. 5,911,006 to Funamoto et al. were, at the time the invention of present application was made, owned by Fuji Photo Film, Co., Ltd. This statement removes this reference as prior art pursuant to 35 U.S.C. 103(c).

Further, the Funamoto et al. reference may be antedated as a reference under 35 U.S.C. 103/102(a), since the Applicant is submitting a certified English translation of priority document JP 10-333602.

Therefore, the Funamoto et al. reference cannot be used as prior art against the claims of the present application.

The Examiner concedes that without the teachings of Funamoto et al., that Takahashi, and Otto are not sufficient to teach or suggest the combination of elements set forth in each of independent claims 1 and 12 of the present invention.

Accordingly, independent claims 1 and 12 are in condition for allowance.

Accordingly, reconsideration and withdrawal of the claim rejections are respectfully requested. Moreover, Applicant respectfully submits that the instant application is in condition for allowance.

As to the pending dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

All claims of the present application are now in condition for allowance.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$1020.00 is attached hereto.

In the event there are any matters remaining in this application, the Examiner is invited to contact Carl T. Thomsen, Registration No. 50,785 at (703) 205-8000 in the Washington, D.C. area.

Appl. No.: 09/448,301
Amendment dated March 21, 2006
Reply to Office Action of September 21, 2005

Docket No. 1110-0258P
Art Unit: 2624
Page 16 of 16

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.


Date: March 21, 2006

Respectfully submitted,

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By 

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Attachment: Certified English translation of JP10-333602